

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.20715 of 2018
and Crl.M.P.Nos.11168 of 2018 and 5033 of 2019

Tejaswi

...Petitioner/Respondent

-Vs-

K.H.Koteswara Rao

... Respondent/Petitioner

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, praying to set aside the order dated 19.07.2018 in M.P.No.806 of 2017 in M.C.No.419 of 2011 passed by V Additional Family Court, Chennai.

For Petitioner : M/s.A.Suresh Sakthi Murugan

For Respondent : Mr.S.Rajaravi Varma

ORDER

This Criminal Original Petition has been filed against the order passed by the Court below in M.P.No.806 of 2017, dated 19.07.2018, wherein, the Court below had directed the petitioner to provide the details of his salary earned from 2014-2017 and also his passport details.

2. The petitioner is the son and the respondent is the father. The respondent has filed a petition before the Court below, claiming maintenance under Section 125 of Cr.P.C. In the said petition, the respondent filed M.P.No.806 of 2017, to direct the petitioner to furnish his income details in order to enable the Court below to fix the amount of maintenance payable by the petitioner to the respondent. The Court below has allowed the petition.

3. The learned counsel for the petitioner submitted that the petitioner has already filed an undertaking affidavit before this Court on 28.08.2018, undertaking to furnish all the income details. The relevant portion of the undertaking affidavit is extracted hereunder:

I submit that the petitioner is already submitted his salary slips from January 2010 to May 2014 before the V Additional Family Court, Chennai. Now, he is willing to submit his salary slips from June 2014 to December 2017 as prayed by the respondent in his miscellaneous petition in M.P.No.806 of 2017 in M.C.No.419 of 2011 on the file of the V Additional Family Court, Chennai. Therefore, hereby the petitioner undertake through this affidavit before this Court that he will file forthwith the salary slips from June 2014 to December 2017 in M.C.No.419 of 2011, on the file of the V Additional Family Court, Chennai.

4. The learned counsel therefore submitted that the petitioner is willing to submit the entire pay slips before the Court below to enable the Court to decide the issue of maintenance.

5. The learned counsel for the respondent submitted that the undertaking given by the petitioner should be recorded and the petitioner must be directed to submit all the pay slips before the Court below.

6. Taking into consideration, the facts and circumstances of the case, the relief sought for by the respondent has now been fulfilled by virtue of the undertaking given by the petitioner, wherein the petitioner has agreed to submit the entire pay details before the Court below. This Criminal Original Petition is disposed of with a direction to the petitioner to submit the entire pay details before the Court below as undertaken before this Court. The Court below shall proceed to dispose of M.C.No.419 of 2011, within a period of three months from the date of receipt of this order.

7 . The learned counsel for the petitioner also submitted that there is a maintenance petition filed by the mother and sister and the same is pending in M.C.No.507 of 2011, before the same Court. That petition should also be disposed of within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

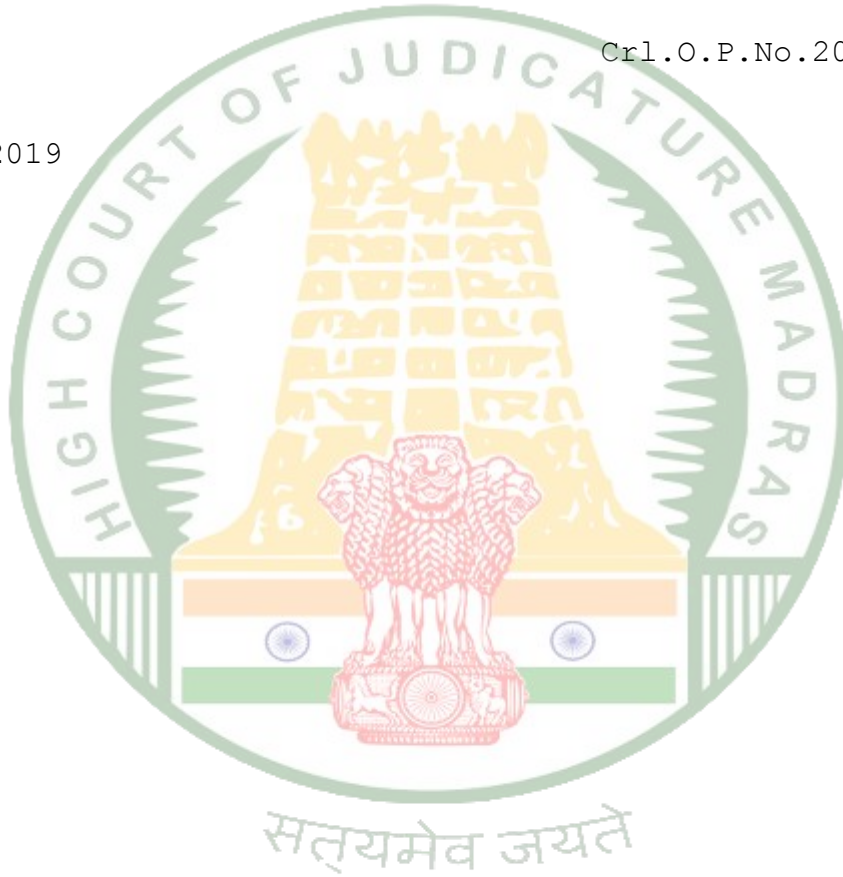
1.The V Additional Judge,
Family Court, Chennai

2.The Public Prosecutor,
High Court, Madras.

+lcc to M/s.A.Suresh Sakthi Murugan, Advocate sr.59316

Cr1.O.P.No.20715 of 2018

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nr 30/07/2019



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